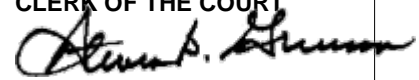


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CASE NO: A-20-818206-C  
Department 29

**EIGHTH JUDICIAL DISTRICT COURT****CLARK COUNTY, NEVADA**

NELSON DIAZ, an individual,  
  
Plaintiff,

Case No.:

Dept. No.:

v.

HOBBY LOBBY STORES, INC., doing  
business as HOBBY LOBBY; DOES 1 through  
100; and ROE CORPORATION 101 through  
200, inclusive,

Defendant(s).

**COMPLAINT**

COMES NOW, the Plaintiff, by and through her counsel of record, BERNSTEIN & POISSON, submits this complaint against Defendants for the foregoing causes of action, and alleges as follows:

**JURISDICTION**

1. Nelson Diaz, (hereinafter "Plaintiff") is individual residing in Clark County, Nevada.
2. Hobby Lobby Stores, Inc., is a limited liability company, doing business in Clark County, Nevada as Hobby Lobby.
3. DOE and ROE Defendants 1 through 200 are legal entities/residents of Clark County, Nevada, and authorized to do business by the State of Nevada. Furthermore, said Doe and Roe Defendants were employees, agents, or servants of Defendants in its control and

1     functioned and assisted in the operation, control maintenance and/or management of the premise,  
2     in which plaintiff was injured, causing damages.

3             4.       The true names and capacities, whether individual, corporate, associate or  
4     otherwise of Defendants DOES 1 through 100 and ROE CORPORATIONS 101 through 200,  
5     inclusive, are unknown to Plaintiff who therefore sues said Defendants by such fictitious names;  
6     on information and belief, Plaintiff alleges that the Defendants, and each of them, designated  
7     herein as a DOE or ROE CORPORATION were responsible in some manner for the injuries  
8     sustained by the Plaintiff resulting from the below stated incident; and is liable for all damages  
9     due to Plaintiff as alleged herein. Plaintiff will ask leave of court to amend this Complaint to  
10    insert the true names and capacities when the same is ascertained and to join such Defendants in  
11    this action.

12            5.       DOES 1 through 5 are entities responsible for hiring, training and supervising  
13    employees of the retail store known as Hobby Lobby, located at 625 N. Stephanie Street,  
14    Henderson, Nevada 89014. DOES 6 through 10 are entities or individuals who are responsible  
15    for assisting customers with the transport of goods to and from the store parking area subject to  
16    this incident at the property at Hobby Lobby, located at 625 N. Stephanie Street, Henderson,  
17    Nevada 89014. Plaintiffs will ask leave of this court to insert the true names and capacities of  
18    such Defendants when the same have been ascertained.

#### 19                                   CLAIM FOR NEGLIGENCE

20            6.       Defendants owned and supervised employees of the retail store that is subject to  
21    this incident, located at Hobby Lobby, located at 625 N. Stephanie Street, Henderson, Nevada  
22    89014 (hereinafter "the Property").

23            7.       On August 14, 2018, Nelson Diaz was legally on the premise owned and operated  
24    by Defendants.

25            8.       Mr. Diaz requires the assistance of a Hobby Lobby employee to transport a large  
26    piece of glass between his vehicle and the store.

27            9.       Defendants were in charge of training and supervising its employees as to  
28    procedures for the transport of goods between customers vehicles and the store.

1           10. Defendants are vicariously liable for its employees actions.

2           11. Defendants and its employees had a duty to secure and safely transport goods  
3 between customers vehicles and the store when requested.

4           12. Defendants and its employees breached their duty by failing to properly secure or  
5 provide a safe method of transporting the piece of glass between the Plaintiff's vehicle and the  
6 store.

7           13. Instead of provided a safe and secure transport of the glass, the employee and  
8 assisted Plaintiff by helping to carry the piece of glass.

9           14. The failure to provide a safe method of transport of the piece of glass caused the  
10 glass to be dropped and break, injuring Plaintiff's hand and arm.

11           15. Defendants, and each of them, had a duty to supervise and provide safe transport  
12 or goods in a reasonably safe and suitable manner for its patrons, guests and invitees; and further  
13 to take any and all reasonable precautions to avoid dangerous transport of goods.

14           16. Defendants and their employees knew or should have known about the dangerous  
15 condition, which caused the injuries to Plaintiff, yet continued to let this condition exist, causing  
16 an unreasonable threat to the safety of those on their property, including Plaintiff.

17           17. Defendants, and each of them, known and unknown, breached these duties,  
18 directly and proximately causing Plaintiff's injuries.

19           18. Defendants and its employees, despite having actual notice or constructive notice,  
20 that the glass was being transported in a dangerous manner, failed to cure the same, enact proper  
21 safeguards, or warn of same to prevent serious bodily injury to Plaintiff, all in breach of its duty  
22 of due care herein.

23           19. Defendant's negligence was the actual and proximate cause of physical injury to  
24 Nelson Diaz.

25           20. Nelson Diaz incurred medical expenses, wage loss, loss of household services,  
26 pain and suffering, as a result of this incident.

27

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21. This incident caused Plaintiff to suffer severe injuries and damages in an amount in excess of \$15,000.00 subject to proof at trial, and Plaintiff will continue to suffer from his injuries in the future.

**DEMAND FOR JUDGMENT**

**WHEREFORE**, the Plaintiff reserving her right individually or through her representatives, to amend his Complaint prior to, or at the time of trial of this action to insert those items of damage not yet fully ascertainable, pray for judgment against said Defendants, and each of them as follows:

- 1) For General and Special Damages in a sum in excess of \$15,000.00;
- 2) For Attorneys' fees and costs of suit incurred herein;
- 3) For interest at the statutory rate; and
- 4) For such other and further relief as the Court may deem just and equitable in the matter.

DATED this 20<sup>th</sup> day of July, 2020.

Respectfully submitted,

**BERNSTEIN & POISSON**

/s/ Amber N. King  
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